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8 Attorney for Debtors
9 DANIEL B. YOON and JEENEE S.YOON
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

In re:
DANIEL B. YOON and JEENEE S. YOON,
Debtors.

Case No. 19-42763

Chapter 11

**FIRST AMENDED OBJECTION TO
ALLOWANCE OF CLAIM OF K.S.
AVIATION, INC. [CLAIM 6-2]**

NO HEARING DATE SET

TO: K.S. Aviation, Inc.

DANIEL B. YOON and JEENEE S. YOON ("Debtors") object to the allowance of Claim No. 6-2 filed by K.S. Aviation, Inc. on March 30, 2020 for any amount. A copy of your claim, absent attachments and exhibits, is attached. Such claim is unenforceable against the Debtors and any property of the Debtors under any agreement or applicable law because: (a) K.S. Aviation, Inc. does not have a right to payment by Debtors of a debt owed to K.S. Aviation, Inc.; and (b) K.S. Aviation, Inc. has released and discharged Debtor Daniel B. Yoon from any actual or potential claims, obligations, debts and causes of action of any kind or nature, whether known or unknown, that existed on September 2, 2016 pursuant to an agreement between John Yoon and Dan Yoon titled "Settlement Agreement and General Release".

Debtors object to the allowance of Claim No. 6-2 filed by K.S. Aviation, Inc. on March 30,

1 2020 as a secured claim. Such claim is unenforceable as a secured claim against the Debtors and
2 any property of the Debtors under any agreement or applicable law because: (a) K.S. Aviation has
3 not attached copies of documents which show K.S. Aviation, Inc. has a lien against property of the
4 Debtors; and (b) K.S. Aviation, Inc. does not have a lien against any property of the Debtors.

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6 Dated: October 21, 2020

/s/ Lawrence L. Szabo
7 LAWRENCE L. SZABO
8 Attorney for Debtors
9 DANIEL B. YOON and JEENEE S. YOON

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Fill in this information to identify the case:

Debtor 1 Dan Yoon

Debtor 2 Jeenee Yoon
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 19CV-42763

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	K.S. Aviation, Inc. Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Michael Abbott Name 126 South Third Avenue Number Street Oakdale CA 95361 City State ZIP Code	Where should payments to the creditor be sent? (If different) Name Number Street City State ZIP Code	
	Contact phone 209-844-5633 Contact email michaelleeabbott@gmail.com	Contact phone _____ Contact email _____	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----			
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>6-1</u>		Filed on <u>02/25/2020</u> MM / DD / YYYY
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ 2,984,726.19 Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.
<u>Fraud and indemnification</u>	
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____
 Basis for perfection: Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)	
 Value of property: \$ _____	
Amount of the claim that is secured: \$ _____	
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)	
 Amount necessary to cure any default as of the date of the petition: \$ _____	
 Annual Interest Rate (when case was filed): _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable	
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. Check one:

- | | |
|---|--|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). | Amount entitled to priority
\$ _____ |
| <input type="checkbox"/> Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). | \$ _____ |
| <input type="checkbox"/> Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). | \$ _____ |
| <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). | \$ _____ |
| <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). | \$ _____ |
| <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies. | \$ _____ |

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

**The person completing this proof of claim must sign and date it.
FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

- I am the creditor.
 I am the creditor's attorney or authorized agent.
 I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
 I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 03/30/2020
MM / DD / YYYY

/s/ Michael Abbott

Signature

Print the name of the person who is completing and signing this claim:

Name	Michael Lee Abbott		
	First name	Middle name	Last name
Title	Attorney for Creditor		
Company	Law Offices of Michael Abbott		
Identify the corporate servicer as the company if the authorized agent is a servicer.			
Address	126 South Third Ave.		
	Number	Street	
	Oakdale		CA 95361
	City	State	ZIP Code
Contact phone	209-844-5633		Email <u>michaelleeabbott@gmail.com</u>